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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

JOE RISER

CIVIL ACTION NO. 07-2044

VERSUS

JUDGE DOHERTY

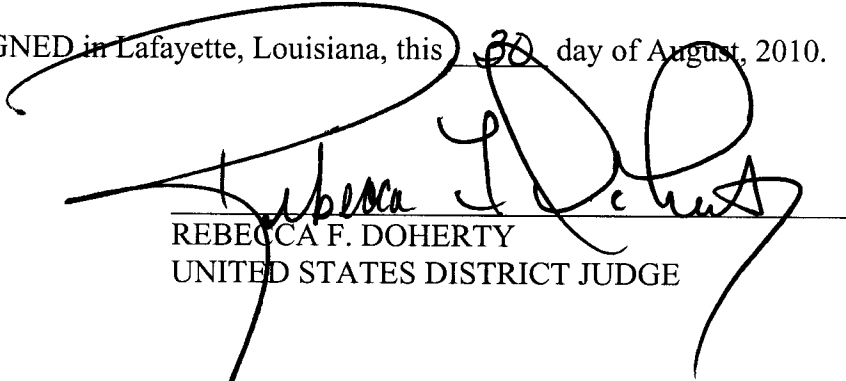
P.J. SMILE HEAD START

MAGISTRATE JUDGE HANNA

**MEMORANDUM RULING**

Pending before this Court is defendant's "Motion for Judgment on the Pleadings or In the Alternative Rule 56 Motion for Summary Judgment." [Doc. 45] In its motion, defendant first argues: "A judgment on the pleadings should be granted because plaintiff fails to raise a right to relief above the speculative level though [sic] his complaint or allege enough facts to state a claim to relief that is plausible on its face." A review of plaintiff's complaint reveals defendant is correct. Accordingly, for the reasons cited at pp. 1-7 of defendant's memorandum in support [Doc. 45-3, pp. 1-7], and finding the motion to be well-supported both in law and fact, and noting no opposition to the motion has been filed, defendant's motion for judgment on the pleadings is hereby GRANTED.<sup>1</sup>

THUS DONE AND SIGNED in Lafayette, Louisiana, this 30 day of August, 2010.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Because the Court is granting defendant's motion for judgment on the pleadings, it need not address defendant's motion, in the alternative, for summary judgment; however, the Court notes had it denied the motion for judgment on the pleadings, it would have granted the motion for summary judgment.